

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., Plaintiff,)	
)	
v.)	
)	
SAREPTA THERAPEUTICS, INC.,)	C.A. No. 21-1015 (GBW)
Defendant.)	
)	
)	
SAREPTA THERAPEUTICS, INC.,)	
Defendant and Counter-Plaintiff)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and)	
NS PHARMA, INC., Plaintiff and Counter-)	
Defendants.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 8 of the of the Scheduling Order (D.I. 143), Plaintiff/Counter-Defendant Nippon Shinyaku Co. Ltd. and Counter-Defendant NS Pharma, Inc. (collectively “NS”), and Defendant and Counter-Plaintiff Sarepta Therapeutics, Inc. (“Sarepta”) hereby submit this Joint Claim Construction Chart setting forth proposed constructions and supporting intrinsic evidence for the disputed claim terms within the following patents:

NS Patents: U.S. Patent Nos. 9,708,361 (“361 Patent,” D.I. 2-2); 10,385,092 (“092 Patent,” D.I. 2-3); 10,407,461 (“461 Patent,” D.I. 2-4); 10,487,106 (“106 Patent,” D.I. 2-5); 10,647,741 (“741 Patent, D.I. 2-6); 10,662,217 (“217 Patent, D.I. 2-7); and 10,683,322 (“322 Patent,” D.I. 2-8).

UWA Patents: United States Patent Nos. 9,994,851 (“851 Patent,” D.I. 2-9), 10,227,590 (“590 Patent,” D.I. 2-10), and 10,266,827 (“827 Patent,” D.I. 2-11)

Discovery is in its early stages and the parties provide this Joint Claim Construction Chart based on their present investigation and understanding in light of the information provided to date. These proposed constructions are without prejudice and the parties reserve all rights to later modify their constructions (including by identifying additional intrinsic evidence, proposing additional constructions, adding or removing words from a particular term and/or construction, or proposing terms and/or constructions in response to an opposing party's amendment or alteration of its identification of terms or constructions), particularly given that the parties' contentions and disagreements may become clearer as the case proceeds. The parties reserve the right to rely upon extrinsic evidence and expert testimony in support of their constructions provided herein and any additional and/or alternative constructions that the parties may propose in future.

The Joint Claim Construction chart identifying the disputed terms, proposed constructions, and supporting intrinsic evidence with respect to the claims of the NS Patents is attached as **Exhibit A**. The Joint Claim Construction chart identifying the disputed terms, proposed constructions, and supporting intrinsic evidence with respect to the claims of the UWA Patents is attached as **Exhibit B**. The following table includes a list of the intrinsic evidence attached hereto by exhibit number.

Exhibit	Description of Exhibit
C	The '361 Patent
D	The '092 Patent
E	The '461 Patent
F	The '106 Patent
G	The '741 Patent
H	The '217 Patent
I	The '322 Patent
J	Excerpts of the File History of the '361 Patent
K	Excerpts of the File History of the '322 Patent
L	The '851 Patent
M	The '590 Patent
N	The '827 Patent
O	Excerpts of the File History of the '851 Patent
P	Excerpts of the File History of the '590 Patent
Q	Excerpts of the File History of the '827 Patent

R	Interference No. 106,007, Decision dated May 12, 2016
S	Excerpts of the File History of U.S. Application No. 15/274,772

Nothing herein implies or should be understood to mean that NS believes that the UWA Patents satisfy applicable patentability standards nor that Sarepta believes that the NS Patents satisfy applicable patentability standards. The fact that the parties have endeavored to propose constructions for certain claim terms listed above should not be understood as a concession that the claims, if construed as proposed, are not invalid for any reason identified in the parties' Initial Invalidity Contentions. The parties also reserve all rights to contest (1) the validity of any of the asserted claims and/or (2) the invalidity of any of the asserted claims that are impacted by construction of the foregoing terms.

MORGAN, LEWIS & BOCKIUS LLP

/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)
1201 N. Market Street
Suite 2201
Wilmington, Delaware 19801
Telephone: 302.574.3000
Fax: 302.574.3001
amy.dudash@morganlewis.com

OF COUNSEL:

Amanda S. Williamson
Christopher J. Betti
Krista V. Venegas
Maria E. Doukas
Zachary Miller
Guylaine Haché

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Megan E. Dellinger

Jack B. Blumenfeld (#1014)
Megan E. Dellinger (#5739)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
mdellinger@morrisnichols.com

OF COUNSEL:

Charles E. Lipsey
J. Derek McCorquindale
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
1875 Explorer Street, Suite 800

Michael T. Sikora
MORGAN, LEWIS & BOCKIUS LLP
110 N. Wacker Drive, Ste 2800
Chicago, IL 60601
Telephone: 312.324.1000
Fax: 312.324.1001
amanda.williamson@morganlewis.com
christopher.betti@morganlewis.com
krista.venegas@morganlewis.com
maria.doukas@morganlewis.com
zachary.miller@morganlewis.com
guylaine.hache@morganlewis.com
michael.sikora@morganlewis.com

Eric Kraeutler (admitted pro hac vice)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: 215.693.5000
Fax: 215.963.5001
eric.kraeutler@morganlewis.com

*Attorneys for Plaintiff/Counterclaim
Defendant Nippon Shinyaku Co., Ltd. and
Counterclaim Defendant NS Pharma, Inc.*

Reston, VA 20190-6023
(571) 203-2700

William B. Raich
Michael J. Flibbert
Aaron G. Clay
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
(202) 408-4000

Alissa K. Lipton
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Seaport Lane
Boston, MA 02210-2001
(617) 646-1600

*Attorneys for Defendant/Counter-Plaintiff
Sarepta Therapeutics, Inc.*

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